

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**DEBRA PRICE, ROBERT TUCKER,  
MARVIN NUTT, and all similarly situated  
individuals,**

**Plaintiffs**

**v.**

**ACOSTA, INC.,**

**Defendant**

**Civil Action No.: 03-2686 M1/P**

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**JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT**

Pursuant to the requirements of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216, the parties move for an order approving their Complete and Permanent Release and Settlement Agreement and in support thereof state as follows:

1. Plaintiffs Debra Price, Robert Tucker, and Marvin Nutt have acted as named Plaintiffs in this case and are the only Plaintiffs remaining in this case. Plaintiffs' Complaint against Defendant alleges violations of the FLSA.
2. This case and the bona fide dispute detailed in the parties' pleadings has been extensively litigated by the parties during the past five years.
3. The three named Plaintiffs and Defendant have agreed to settle their dispute as evidenced by and on the terms set forth in the attached Complete and Permanent Release and Settlement Agreement ("Settlement Agreement"). *See* Exhibit A.
4. The parties have agreed to file this motion requesting the Court to approve the Settlement Agreement, and request after the Court has approved the Settlement Agreement, this matter be dismissed with prejudice.

5. Approval of the parties' compromise indicated in the Settlement Agreement will allow this Court to dispose of this action without further judicial or administrative labor.

6. The Settlement Agreement is a fair and reasonable resolution in the best interests of the parties and will help conserve this Court's judicial resources.

WHEREFORE, the parties respectfully request the Court enter an order approving their Settlement Agreement and dismissing the case with prejudice.

Respectfully submitted this 16<sup>th</sup> day of September, 2008.

s/Dan M. Norwood with permission by Robert D. Meyers

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